

branch. Employees subject to these provisions are generally protected against retaliation for having disclosed any information the employee reasonably believes evidences a violation of law or regulation, gross mismanagement or abuse of authority, or substantial danger to public health or safety. The Office has continued to receive a number of inquiries from legislative branch employees concerned about protection against possible retaliation by an employing office for the disclosure of what the employee perceives to be such information. For the reasons set forth in the 1998 Section 102(b) Report, the Board has determined that whistleblower protection comparable to that provided to executive branch employees under 5 U.S.C. § 2302(b)(8) should be provided to legislative branch employees.

“(3) Coverage of special-purpose study commissions. Certain special-purpose study commissions that include members appointed by Congress or by officers of Congressional instrumentalities are not expressly listed in section 101(9) of the CAA in the definition of “employing offices” covered under the CAA. For the reasons set forth in the 1998 Section 102(b) Report, the Board recommends that Congress specifically state whether the CAA applies to special-purpose study commissions, both when it creates such commissions and for those already in existence.”

B. Part II of the 1998 report (inapplicable private-sector provisions of CAA laws)

In the second part of the 1998 Section 102(b) Report, the Board considered the specific exceptions created by Congress from the nine private-sector laws made applicable by the CAA⁸ and made a number of recommendations respecting the application of currently inapplicable provisions, “focusing on enforcement, the area in which Congress made the most significant departures from the private-sector provisions of the CAA laws.”⁹ The Board noted that it intended that those recommendations “should further a central goal of the CAA to create parity with the private sector so that employers and employees in the legislative branch would experience the benefits and burdens as the rest of the nation’s citizens.”¹⁰

The Board of Directors has reviewed the 1998 Report and resubmits each of the following recommendations made in Part III of the 1998 Section 102(b) Report:

“(1) Authority to investigate and prosecute violations of §207 of the Act, which prohibits intimidation and reprisal. Enforcement authority with respect to intimidation or reprisal is provided to the agencies that administer and enforce the CAA laws¹¹ in the private sector. For the reasons set forth in the 1998 Report, the Board has concluded that the Congress should grant the Office the same authority to investigate and prosecute allegations of intimidation or reprisal as each implementing Executive Branch agency has in the private sector.

“(2) Authority to seek a restraining order in district court in case of imminent danger to health or safety. Section 215(b) of the CAA provides the remedy for a violation of the substantive provisions of the OSHA Act made applicable by the CAA. Among other things, the OSHA Act authorizes the Secretary of Labor to seek a temporary restraining order in district court in the case of imminent danger. The General Counsel of the Office, who enforces the OSHA Act provisions as made applicable by the CAA, has concluded that

Section 215(b) of the CAA gives him the same standing to petition the district court for a temporary restraining order. However, it has been suggested that the language of section 215(b) does not clearly provide that authority. For the reasons set forth in the 1998 Section 102(b) Report, the Board recommends that the CAA be amended to clarify that the General Counsel has the standing to seek a temporary restraining order in federal district court and that the court has jurisdiction to issue the order.

“(3) Record-keeping and notice-posting requirements. For the reasons set forth in the 1998 Section 102(b) Report, the Board has concluded that the Office should be granted the authority to require that records be kept and notices posted in the same manner as required by the agencies that enforce the provisions of law made applicable by the CAA in the private sector.

“(4) Other enforcement authorities. For the reasons set forth in the 1998 Section 102(b) Report, the Board generally recommends that Congress grant the Office the remaining enforcement authorities that executive-branch agencies utilize to administer and enforce the provisions of law made applicable by the CAA in the private sector.”

C. Part III of the 1998 report (options for coverage of the three instrumentalities)

In the third part of the 1998 Report, the Board, building upon its extensive Section 230 Study, exhaustively re-examined the current coverage of GAO, GPO and the Library under the CAA laws, and identified and discussed three principal options for coverage of these instrumentalities:

“(A) CAA Option—Coverage under the CAA, including the authority of the Office of Compliance and its administrators and enforces the CAA. (The Board here took as its model the CAA as it would be modified by enactment of the recommendations made in Part II of its 1998 Report.)

“(B) Federal-Sector Option—Coverage under the statutory and regulatory regime that applies generally in the federal sector, including the authority of executive-branch agencies as they administer and enforce the laws in the federal sector.

“(C) Private-Sector Option—Coverage under the statutory and regulatory regimes that apply generally in the private sector, including the authority of the executive-branch agencies as they administer and enforce the laws in the private sector.”

The Board noted that other hybrid models could be developed or, it could “be possible to leave the “patchwork” of coverages and exemptions currently in place at the three instrumentalities and fill serious gaps in coverage on a piecemeal basis.”¹²

The Board compared the three options against the current regimes at GAO, GPO and the Library, as well as against each other, and identified the significant effects of applying each option. The Board unanimously concluded that coverage under the private sector model was not the best of the options. However, the Board was divided as to which of the remaining options should be adopted. Two Board Members recommended that the three instrumentalities be covered under the CAA, with certain modifications, and two other Board Members recommended that the three instrumentalities be made fully subject to the laws and regulations generally applicable in the executive branch of the federal sector.¹³

A review of the analysis, discussion and recommendations contained in the Section 230 Study and Part III of the 1998 Section 102(b) Report demonstrates the complexity of the issues relating to coverage of GAO, GPO and the Library under the CAA laws. The current regime is an exceedingly complicated one, with differences evident both between and among instrumentalities and between and among the eleven CAA laws. Any proposals for changes in existing coverage must not only take into account the existing statutory regime, but also the practical effects of any recommended changes, as well as the mandates of the CAA, including Section 230. Indeed, the degree of the difficulties and challenges encountered in determining how the coverage of the instrumentalities might be modified is evidenced by the fact that after three years of study and experience, the Members of the Board in 1998 were unable to arrive at a consensus on the manner in which the CAA laws should be applied and enforced at GAO, GPO and the Library.

While the current Board Members are mindful of the institutional benefits of providing Congress with a clear recommendation as to coverage of the instrumentalities, the Board is of the view that further study and consideration of the questions presented is warranted in light of the complexity of the issues and the substantial impact that a modification would have on the instrumentalities and their employees.

The Board believes that Congress, and the instrumentalities and their employees, would derive greater benefit from a recommendation based upon further study, consideration and experience on the part of Board Members. Therefore, the Board has determined not to make any recommendations with respect to coverage of GAO, GPO and the Library under the CAA laws at this time.

**EXECUTIVE COMMUNICATIONS,
ETC.**

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

812. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Dimethylpolysiloxane; Tolerance Exemption [OPP-301096; FRL-6762-1] (RIN: 2070-AB78) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

813. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation’s final rule—Interagency Guidelines Establishing Standards for Safeguarding Customer Information and Rescission of Year 2000 Standards for Safety and Soundness (RIN: 3064-AC39) received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

814. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Significant New Uses of Certain Chemical Substances; Delay of Effective Date [OPPTS-50638A; FRL-6769-7] (RIN: 2070-AB27) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

815. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international

have expired. At present, the five-Member Board of Directors is again at its full complement; three Members were appointed in October 1999 and two Members were appointed in May 2000.

⁸The private-sector laws made applicable by the CAA are listed in note 1, at page 1, above.

⁹1998 Section 102(b) Report at 16.

¹⁰Id. At 17.

¹¹The only exception is the WARN Act which has no such authorities.

¹²1998 Section 102(b) Report at 27.

¹³In December 1998, at the time the 1998 Section 102(b) Report issued, there were four Board members; the fifth Board member’s term had expired and a new appointee had not yet been named. Since the issuance of the 1998 Report the terms of the four Board members who participated in that Report

agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

816. A letter from the Attorney-Advisor, Financial Management Service, Department of the Treasury, transmitting the Department's final rule—Federal Government Participation in the Automated Clearing House (RIN: 1510-AA81) received February 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

817. A letter from the Federal Register Liaison, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Supplemental Standards of Ethical Conduct for Employees of the Department of the Treasury (RIN: 1550-AB43, 3209-AA15) received February 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

818. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule—Repayment of Student Loans: Delay of Effective Date (RIN: 3206-AJ12) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

819. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 991008273-0070-02; I.D. 011801B] received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

820. A letter from the Acting Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Coastal Zone Management Act Federal Consistency Regulations [Docket No. 990723202-0338-02] (RIN: 0648-AM88) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

821. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California; Correction [FRL-6941-1] (RIN: 2040-AC44) received February 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

822. A letter from the Chair of the Board of Directors, Office of Compliance, transmitting A Report Required By The Congressional Accountability Act Of 1995; jointly to the Committees on Education and the Workforce and House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYNOLDS: Committee on Rules. House Resolution 36. Resolution providing for consideration of the bill (H.R. 554) to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents (Rept. 107-1). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. MCGOVERN:

H.R. 559. A bill to designate the United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, as the "John Joseph Moakley United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. ROSS (for himself, Mr. MOORE, Mr. STENHOLM, Mr. SHOWS, Mr. HILL, Mr. CLAY, Mr. SCHIFF, Mr. BISHOP, Mr. CARSON of Oklahoma, Mr. HOLT, Mr. POMEROY, Ms. BERKLEY, Mrs. TAUSCHER, Mr. SPRATT, Mr. MATHE-SON, Ms. SOLIS, Mr. HOEFFEL, Mrs. DAVIS of California, and Mr. LANGEVIN):

H.R. 560. A bill to establish an off-budget lockbox to strengthen Social Security and Medicare; to the Committee on the Budget, and in addition to the Committees on Rules, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL:

H.R. 561. A bill to establish the Bipartisan Commission on Election Reform to study and make recommendations on issues affecting the conduct and administration of elections in the United States, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ABERCROMBIE (for himself and Mrs. MINK of Hawaii):

H.R. 562. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend such Act; to the Committee on Energy and Commerce.

By Mr. ABERCROMBIE:

H.R. 563. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Ways and Means.

By Mr. ABERCROMBIE:

H.R. 564. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the deduction allowed for meal and entertainment expenses associated with the performing arts; to the Committee on Ways and Means.

By Mr. ANDREWS (for himself, Ms. BROWN of Florida, Mr. PALLONE, Mr. TANCREDO, Mr. MENENDEZ, Mr. PASCRELL, and Mr. MICA):

H.R. 565. A bill to prohibit States from imposing restrictions on the operation of motor vehicles providing limousine service between a place in a State and a place in another State, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 566. A bill to amend title XIX of the Social Security Act to require the prorating of Medicaid beneficiary contributions in the case of partial coverage of nursing facility services during a month; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 567. A bill to amend title XIX of the Social Security Act to require Medicaid coverage of disabled children, and individuals who became disabled as children, without regard to income or assets; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 568. A bill to assure equitable treatment of fertility and impotence in health

care coverage under group health plans, health insurance coverage, and health plans under the Federal employees' health benefits program; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 569. A bill to amend the Social Security Act to waive the 24-month waiting period for Medicare coverage of certain disabled individuals who have no health insurance coverage; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. WICKER, Mr. THOMAS M. Davis of Virginia, Mr. FRANK, and Mrs. JOHNSON of Connecticut):

H.R. 570. A bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, to provide for a 9.6 percent increase in judicial salaries, and for other purposes; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H.R. 571. A bill to amend title 49, United States Code, relating to explanations by air carriers of flight delays, cancellations, and diversions; to the Committee on Transportation and Infrastructure.

By Mr. BILIRAKIS (for himself, Mr. FOLEY, Mr. MCHUGH, Mr. BALDACCI, Mrs. MORELLA, Mr. LANTOS, Mrs. MINK of Hawaii, Mrs. THURMAN, Mr. WEXLER, Mr. FROST, Mr. PALLONE, and Mr. BONIOR):

H.R. 572. A bill to amend title 5, United States Code, to provide that the Civil Service Retirement and Disability Fund be excluded from the budget of the United States Government; to the Committee on the Budget, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS:

H.R. 573. A bill to provide grants to State educational agencies and local educational agencies for the provision of classroom-related technology training for elementary and secondary school teachers; to the Committee on Education and the Workforce.

By Mrs. CHRISTENSEN:

H.R. 574. A bill to modify labeling and advertising requirements for watches; to the Committee on Energy and Commerce.

By Mrs. CHRISTENSEN:

H.R. 575. A bill to amend the Harmonized Tariff Schedule of the United States with respect to the production incentive certificate program for watch and jewelry producers in the United States Virgin Islands, Guam, and American Samoa; to the Committee on Ways and Means.

By Mr. DICKS (for himself, Mr. SKELTON, Mr. SISISKY, Mr. FROST, Mr. EDWARDS, and Mrs. TAUSCHER):

H.R. 576. A bill to make emergency supplemental appropriations for fiscal year 2001 for the Department of Defense; to the Committee on Appropriations.

By Mr. DUNCAN:

H.R. 577. A bill to require any organization that is established for the purpose of raising funds for the creation of a Presidential archival depository to disclose the sources and